

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PNC BANK, NATIONAL ASSOCIATION,

Plaintiff,

v.

FARIS ABUSHARIF, PAIN TREATMENT
SURGICAL SUITES, LLC, PAIN
TREATMENT CENTERS OF ILLINOIS, LLC,
MMN SHARIF, INC.,

Defendants.

Case No. 19 cv 06116

District Judge: John Z. Lee

Magistrate Judge: Young B. Kim

**PLAINTIFF’S MOTION FOR CONDITIONAL JUDGMENT AGAINST
SILVER CROSS HOSPITAL**

Plaintiff, PNC Bank, National Association (the “Plaintiff”), by its attorneys, Carlson Dash, LLC, pursuant to Federal Rule of Civil Procedure 69, 735 ILCS 5/2-1402 and 735 ILCS 5/12-706 hereby moves this Court for a conditional judgment in favor of Plaintiff and against Silver Cross Hospital in the amount of \$376,355.42. In support of this Motion, Plaintiff states as follows:

1. On November 26, 2019, this Court entered judgment in favor of the Plaintiff and against Faris Abusharif in the amount of \$374,785.67 (the “Judgment Amount”). See Judgment Order, attached as **Exhibit A**.

2. On January 13, 2020, the Clerk of the Court issued a Citations to Discover Assets to a Third-Party Silver Cross Hospital (the “Third-Party Citation”). Silver Cross Hospital is believed to a hospital which contracts with Dr. Abusharif. See Third Party Citation attached as **Exhibit B**.

3. On January 17, 2020, Silver Cross Hospital was served with the Third-Party Citation. A copy of the proof of service is attached as **Exhibit C**.

4. The Third-Party Citation was returnable on February 13, 2020. Silver Cross Hospital has failed to answer or otherwise respond to the Third-Party Citation.

5. Federal Rule of Civil Procedure 69 provides, among other things, that procedures for collecting a monetary judgment must accord with the state where the court is situated. F.R.C.P. 69(a)(1).

6. 735 ILCS 5/2-1402 controls supplementary proceedings in Illinois and provides in part that:

(k-3) The court may enter any order upon or judgment against the respondent cited that could be entered in any garnishment proceeding under Part 7 of Article XII of this Code. This subsection (k-3) shall be construed as being declarative of existing law and not as a new enactment.

7. 735 ILCS 5/12-706 sets forth, in pertinent part:

Sec. 12-706. Conditional judgment. (a) When any person summoned as garnishee fails to appear and answer as required by Part 7 of Article XII of this Act, the court may enter a conditional judgment against the garnishee for the amount due upon the judgment against the judgment debtor. A summons to confirm the conditional judgment may issue against the garnishee, returnable in the same manner as provided in Section 12-705 of this Act, commanding the garnishee to show cause why the judgment should not be made final. (735 ILCS 5/12-706).

8. Interest has accrued on the Judgment Amount since the entry of the judgment on. To date, statutory interest in the amount of \$1,569.79 has accrued. The total amount due and owing to Plaintiff to date is \$376,355.42.

9. Plaintiff requests this Court enter a conditional judgment against Silver Cross Hospital and in favor of Plaintiff in the amount of \$376,355.42.

WHEREFORE, for the foregoing reasons, Plaintiff PNC Bank, National Association respectfully requests the Court:

- (1) grant its Motion for Conditional Judgment against Silver Cross Hospital;
- (2) Allow for a summons confirm the conditional judgment to be issued;

(3) enter a conditional judgment against Silver Cross Hospital and in favor of Plaintiff in the amount of \$376,355.42, and

(4) grant such other and further relief as is just.

**PNC BANK, NATIONAL
ASSOCIATION**

By: /s/ Martin J. Wasserman
One of its Attorneys

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